

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PETER BENVIN and DENISE
BENVIN,

Plaintiffs,

v.

THE CITY OF INKSTER and
WILLIAM GARRETT,

Defendants.

_____ /

Case No. 24-13424

Hon. F. Kay Behm
United States District Judge

**ORDER DISMISSING CASE FOR LACK OF SUBJECT MATTER
JURISDICTION**

On June 12, 2025, this court entered an order denying Plaintiffs' motion for default judgment on the basis that they did not allege sufficient facts, even taken as true, to prove Defendants' liability on their federal claims, and declining to exercise supplemental jurisdiction over their state law claims. ECF No. 15. Therefore, the court ordered Plaintiffs to show cause why their federal causes of action should not be dismissed for failure to state a claim and the remaining state law claims dismissed for lack of jurisdiction.

In response to that order, Plaintiffs filed a motion to remand to state court, conceding that there is no federal question jurisdiction over

this matter. ECF No. 16, PageID.77. However, remand is the appropriate course only when an action is removed from state court, and jurisdiction is subsequently found lacking. This action originated in federal court and was never filed in state court nor removed to federal court. In that posture, the proper procedure for claims over which the court lacks jurisdiction is dismissal without prejudice (without preclusive effect). *See, e.g., Coates v. Kahn*, No. 21-10944, 2022 U.S. Dist. LEXIS 57862, at *4 (E.D. Mich. Mar. 29, 2022) (explaining why “a federal court can[not] remand a case originating in federal court to state court”). Thus the motion is denied, Plaintiffs’ federal claims are **DISMISSED** without prejudice for failure to state a claim, and their state law claims are **DISMISSED** without prejudice for lack of subject matter jurisdiction.

This is a final order that closes the case. A separate order of judgment will follow.

SO ORDERED.

Date: June 23, 2025

s/F. Kay Behm

F. Kay Behm

United States District Judge